

## COURT NOTICE

### Eastern and Southern Districts of New York

The Courts have adopted revisions to Local Civil Rule 1.3(a). Admission to the Bar and Local Civil Rule 1.5(d)(1).Discipline of Attorneys, and invite comments. Additions and changes appear in ***bold italics***.

#### **Local Civil Rule 1.3. Admission to the Bar**

(a) A member in good standing of the bar of the state of New York, or a member in good standing of the bar of the United States District Court in New Jersey, Connecticut or Vermont and of the bar of the State in which such district court is located, provided such district court by its rule extends a corresponding privilege to members of the bar of this court, may be admitted to practice in this court on compliance with the following provisions:

***In the first instance, each applicant for admission is required to file an application for admission in electronic form on the Court's Web site ([www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) or [www.nyed.uscourts.gov](http://www.nyed.uscourts.gov)). This one application will be utilized both to admit and then to provide the applicant to the bar of this Court with a password and login for use on the court's Electronic Case Filing (ECF) system. The applicant shall adhere to all applicable rules of admission.***

***The applicant shall (a) complete the application on-line, (b) submit the application electronically, (c) print and sign a copy of the application, and (d) file the printed application and fee with the clerk, together with a certificate(s) of good standing and a supporting affidavit(s).***

***After submitting the application in electronic form***, each applicant for admission shall file with the clerk, at least ten (10) days prior to hearing (unless, for good cause shown, the judge shall shorten the time), ***the signed paper copy of the*** verified written petition for admission stating: (1) applicant's residence and office address; (2) the time when, and courts where, admitted; (3) applicant's legal training and experience; (4) whether applicant has ever been held in contempt of court, and, if so, the nature of the contempt and the final disposition thereof; (5) whether applicant has ever been censured, suspended or disbarred by any court, and, if so, the facts and circumstances connected therewith; (6) that applicant has read and is familiar with (a) the provisionS of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Court for the Southern and Eastern Districts of New York; and (f) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (7) that applicant will faithfully adhere to all rules applicable to applicant's conduct in connection with any activities in this court.

The petition shall be accompanied by a certificate of the clerk of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days and states that the applicant is a member in good standing of the bar of that state court. The petition shall also be accompanied by an affidavit of an attorney of this court who has known the applicant for at least one year, stating when the affiant was admitted to practice in this court, how long and under what circumstances the attorney has known the applicant, and what the attorney

knows of the applicant's character and experience at the bar. Such petition shall be placed at the head of the calendar and, on the call thereof, the attorney whose affidavit accompanied the petition shall personally move the admission of the applicant. If the petition is granted, the applicant shall take the oath of office and sign the roll of attorneys.

*A member of the bar of the state of New York, New Jersey, Connecticut, or Vermont who has been admitted to the bar of this court pursuant to this subsection and who thereafter voluntarily resigns from membership in the bar of the state pursuant to which he was admitted to the bar of this court, and who does not within 30 days of that voluntary resignation file an affidavit with the clerk of this court indicating that such person remains eligible to be admitted to the bar of this court pursuant to other provisions of this subsection (as because he is still a member of the bar of another eligible state and, where applicable, a corresponding district court), shall be deemed to have voluntarily resigned from the bar of this court as of the same date the member resigned from the bar of the underlying state, provided that such resignation shall not be deemed to deprive this court of jurisdiction to impose discipline on this person, pursuant to Rule 1.5 infra, for conduct preceding the date of such resignation.*

#### **Local Civil Rule 1.5. Discipline of Attorneys**

##### **(d) Procedure.**

(1) If it appears that there exists a ground for discipline set forth in paragraph (b)(1), (b)(2), or (b)(3), notice thereof shall be served by the Committee on Grievances upon the attorney concerned by first class mail, directed to the address of the attorney as shown on the rolls of this court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith. Service shall be deemed complete upon mailing in accordance with the provisions of this paragraph.

In all cases in which any federal court or a court of any state or territory has entered an order disbaring **or censuring** an attorney or suspending the attorney from practice, whether or not on consent, the notice shall be served together with an order by the clerk of this court, to become effective twenty-four days after the date of service upon the attorney, disbaring **or censuring** the attorney or suspending the attorney from practice in this court upon terms and conditions comparable to those set forth by the other court of record. In all cases in which an attorney has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending, even if the attorney remains admitted to the bar of any other court, the notice shall be served together with an order entered by the clerk for this court, to become effective twenty-four days after the date of service upon the attorney, deeming the attorney to have resigned from the bar of this court. Within twenty days of the date of service of either order, the attorney may file a motion for modification or revocation of the order. Any such motion shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this court. The timely filing of such a motion will stay the effectiveness of the order until further order by this court. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require.

In all other cases, the notice shall be served together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline should not be imposed. If the attorney fails to respond in writing to the order to show cause, or if the response fails to show good cause to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below.

Comments to the above are to be submitted, in writing, on or at the close of business, April 15, 2005, which is the effective date of the amendments to Joint Local Civil Rules 1.3 and 1.5, to:

Clifford P. Kirsch  
District Court Executive  
U.S. Courthouse  
500 Pearl Street, Room 820  
New York, NY 10007-1312

or

Robert C. Heinemann  
Clerk of Court  
U.S. Courthouse  
225 Cadman Plaza  
Brooklyn, NY 11201